UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION

This document relates to:

County of Lake, Ohio v. Purdue Pharma L.P., et al., Case No. 18-op-45032 (N.D. Ohio)

County of Trumbull, Ohio v. Purdue Pharma, L.P., et al., Case No. 18-op-45079 (N.D. Ohio)

"Track 3 Cases"

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

PHARMACY DEFENDANTS' MOTION TO EXCLUDE CERTAIN EXPERT <u>TESTIMONY BASED ON TRACK ONE ARGUMENTS</u>

Pursuant to Rule 702 of the Federal Rules of Evidence and the Court's Second Revised Case Management Order (Dkt. No. 3735), Pharmacy Defendants move to exclude the testimony of Plaintiffs' experts Caleb Alexander, David Cutler, Lacey Keller, Katherine Keyes, Anna Lembke, Craig McCann, James Rafalski, and Nancy Young for the reasons given in the accompanying memorandum of law, which is incorporated here.

Dated: July 23, 2021 Respectfully submitted,

/s/ John M. Majoras

John M. Majoras JONES DAY

51 Louisiana Avenue, N.W. Washington, DC 20001 Phone: (202) 879-3939

Email: jmmajoras@jonesday.com

Tina M. Tabacchi Tara A. Fumerton JONES DAY 77 West Wacker Chicago, IL 60601 Phone: (312) 269-4335

E-mail: tmtabacchi@jonesday.com E-mail: tfumerton@jonesday.com

Attorneys for Walmart Inc.

/s/ Alexandra W. Miller (consent)

Alexandra W. Miller Eric R. Delinsky ZUCKERMAN SPAEDER LLP 1800 M Street, NW Suite 1000

Washington, DC 20036 Phone: (202) 778-1800

E-mail: smiller@zuckerman.com
E-mail: edelinsky@zuckerman.com

Attorneys for CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS Pharmacy, Inc., CVS TN Distribution, L.L.C., and Ohio CVS Stores, L.L.C.

/s/ Robert M. Barnes (consent)

Robert M. Barnes Scott D. Livingston Joshua A. Kobrin MARCUS & SHAPIRA LLP 35th Floor, One Oxford Centre 301 Grant Street Pittsburgh, PA 15219

Phone: (412) 471-3490

Email: rbarnes@marcus-shapira.com
Email: livingston@marcus-shapira.com
Email: kobrin@marcus-shapira.com

Attorneys for Giant Eagle and HBC Service Company

/s/ *Kelly A. Moore* (consent)

Kelly A. Moore
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178
Phone: (212) 309-6612

E-mail: <u>kelly.moore@morganlewis.com</u>

Elisa P. McEnroe MORGAN, LEWIS & BOCKIUS LLP 1701 Market Street Philadelphia, PA 19103 Phone: (215) 963-5917 Email: elisa.mcenroe@morganlewis.com

Attorneys for Rite Aid Hdqtrs. Corp., Rite Aid of Ohio, Inc., Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center and Eckerd Corp. d/b/a Rite Aid

Liverpool Distribution Center

/s/ Kaspar J. Stoffelmayr (consent)

Kaspar J. Stoffelmayr

Brian C. Swanson

Katherine M. Swift

Sharon Desh

Sten A. Jernudd

BARTLIT BECK LLP

54 West Hubbard Street

Chicago, Illinois 60654

Phone: (312) 494-4400

E-mail: kaspar.stoffelmayr@bartlitbeck.com

E-mail: <u>brian.swanson@bartlitbeck.com</u>

E-mail: <u>kate.swift@bartlitbeck.com</u>

E-mail: sharon.desh@bartlitbeck.com

E-mail: sten.jernudd@bartlitbeck.com

Alex J. Harris

BARTLIT BECK LLP

1801 Wewatta Street, Suite 1200

Denver, Colorado 80202

Phone: (303) 592-3100

E-mail: <u>alex.harris@bartlitbeck.com</u>

Attorneys for Walgreens Boots Alliance, Inc., Walgreen Co. and Walgreen Eastern Co., Inc.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on July 23, 2021.

John M. Majoras
John M. Majoras
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001
Phone: (202) 879-3939

Email: <u>immajoras@jonesday.com</u>

Counsel for Walmart Inc.